| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/891,911 | 06/26/2001 | Daniel R. Johnson | 3034.1000-001 | 1408 |

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| 21005 7590 06/06/2006 | **EXAMINER** | |
| HAMILTON, BROOK, SMITH & REYNOLDS, P.C. | AKINTOLA, OLABODE | |
| 530 VIRGINIA ROAD | | |
| P.O. BOX 9133 | **ART UNIT** | **PAPER NUMBER** |
| CONCORD, MA 01742-9133 | 3624 | |

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 January 2006*.

2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-19,39 and 57-60* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-19,39 and 57-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.      Claims 1, 3, 7, 9-13, 16-19, 39, 57 and 58 are amended. Claims 20-38 and 40-56 are

cancelled. Claim 60 is new. Claims 1-19, 39, 57-60 are pending.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 15, 18-19 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by

Nevo et al (U.S. Patent No. 5946666) (hereinafter referred to as Nevo).

Re Claims 1, 18 and 60: Nevo teaches a method for execution by a data processor, the method

comprising the steps of: providing a user interface for selecting two or more financial products

for comparison as funding sources for a financial plan, with at least two financial products being

of a different class such that they have a different set of attributes, and each financial product

having values corresponding to the set of attributes (Col. 4, lines 17-34 and 63-67); retrieving the

attribute values from a storage location for each of the selected financial products (col. 13, lines

13-15); querying a user through the user interface for weights to be assigned to each of the

attributes; assigning the weights to the attributes; generating a weighted product score for each

financial product by the weights to the assigned attributes associated with each financial product

(col. 7, lines 1-35; Fig. 2, RN{52} and {54}); and presenting the weighted product scores to a

user, the weighted product scores serving as a comparison of tradeoffs associated with each of

the financial products (Fig. 2 RN{68}).

Re Claim 2: Nevo teaches the step comprising: changing the assigned weight for at least one of

the attributes to compare financial tradeoffs (col. 7, lines 11-13).

Re Claim 3: Nevo teaches the step comprising: scaling the values for each attribute, and wherein

scaling the values for each attribute further comprises: identifying a maximum value and a

minimum value from the selected financial products for an attribute; calculating an adjusted

maximum value and an adjusted minimum value by applying the a dispersion factor to the

maximum and minimum values; calculating an adjusted range from the adjusted maximum and

minimum values; and generating a relative attribute score from the adjusted range for each

financial product resulting in a set of relative attribute scores for the attribute being dispersed

within the adjusted range (col. 8, lines 18-33).

Re Claim 4: Nevo teaches the step comprising: populating one or more of the attributes for the

financial products with grades from one or more financial databases, the databases providing a

comparative grade of financial strength of financial product carriers; and converting the grades

into numeric values (col. 3, lines 66- col. 4, lines 7 and col. 4, lines 35-38).

Re Claims 5 and 6: Nevo teaches the step comprising: populating one or more of the attributes of

the financial products with values from a financial product illustration system, the system

projecting values of each of the financial products; and populating one or more of the attributes

of the financial products with subjective scores from a user (Figs. 5 and 6).

Re Claims 7 and 8: Nevo teaches the step comprising: grouping the set of attributes into

categories; and assigning a weight to each of the categories, wherein a summation of the weights

of the attributes within a category is equal to the assigned weight of the category (col. 11, lines

16-20).

Re claim 15: Nevo teaches the step wherein the two or more financial products are compared for

individual financial planning (col. 4, lines 65- col. 5, lines 6).

Re Claim 19: Nevo teaches the step wherein the security includes a mutual fund (col. 4, lines 51-

52)

## *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9-10, 16 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nevo et al (U.S. Patent No. 5946666) (hereinafter referred to as Nevo) as applied to claims

above, in view of Powers et al. (U.S. Patent No. 6684190) (hereinafter referred to as Powers)

Re claims 9-10, 16 and 59: Nevo does not explicitly teach contractual features and at least one of

the financial products includes a life insurance policy. Powers teaches contractual features (col.

2, lines 9-23) and at least one of the financial products includes a life insurance policy (col. 3,

lines 66-col. 4, lines 6). Therefore it would have been obvious to one of ordinary skill in the art

at the time of the invention to modify Nevo to include contractual features and at least one of the

financial products includes a life insurance policy as taught by Power as part of the financial

analysis to allow the user evaluate such financial product.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nevo et al (U.S.

Patent No. 5946666) (hereinafter referred to as Nevo) as applied to claims above.

Nevo does not explicitly teach dispersion factor. However, Nevo teaches deviation

indicator (Abstract). Therefore it would have been obvious to one of ordinary skill in the art at

the time of the invention to modify Nevo to include dispersion factor as a measure of central

tendency (the degree of dispersion can be adjusted depending on design choice).


Claims 14, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nevo et al (U.S. Patent No. 5946666) (hereinafter referred to as Nevo) as applied to claims

above, in view of Davis (U.S. Patent Application No. 20010049612) (hereinafter referred to as

Davis).

Nevo does not explicitly teach selecting a non-qualified supplemental benefits plan. Davis

teaches selecting a non-qualified supplemental benefits plan (section [0031]). Therefore it would

have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo

to include selecting a non-qualified supplemental benefits plan as taught by Davis so that the

user can decide on the best option.


Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nevo et

al (U.S. Patent No. 5946666) (hereinafter referred to as Nevo) in view of Powers et al. (U.S.

Patent No. 6684190) (hereinafter referred to as Powers) as applied to claims above, and further

in view of Ryan et al. (U. S. Patent No. 5802500) (hereinafter referred to as Ryan).

Nevo in combination with Powers do not expressly teach cash flow with discounted value,

internal rate of return, after tax considerations; and corporate owned life insurance policy.

Ryan teaches cash flow with discounted value, internal rate of return, after tax considerations; and corporate owned life insurance policy (col. 14, lines 9-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo in combination with Power to include cash flow with discounted value, internal rate of return, after tax considerations; and corporate owned life insurance policy as taught by Ryan make the system more efficient.

Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nevo et al (U.S. Patent No. 5946666) (hereinafter referred to as Nevo) in view of Powers et al. (U.S. Patent No. 6684190) (hereinafter referred to as Powers) as applied to claims above, and further in view of Detore et al. (U. S. Patent No. 4975840) (hereinafter referred to as Detore).

Nevo in combination with Powers do not expressly teach subjective assessment of an underwriting offer. Detore teaches subjective assessment of an underwriting offer. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo in combination with Powers to include subjective assessment of an underwriting offer as taught by Detore so that the underwriting offer can be evaluated appropriately with respect to insurance coverage.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nevo et al (U.S. Patent No. 5946666) (hereinafter referred to as Nevo) in view of Power et al. (U.S. Patent No. 6684190) (hereinafter referred to as Power) as applied to claims above, and further in view of Tyler et al. (U. S. Patent No. 5523942) (hereinafter referred to as Tyler).

Furthermore, Power teaches mortality charge and expense charge guarantees. Nevo in

combination with Power do not expressly teach de-MECing provisions. Tyler teaches de-

MECing provisions (col. 45, lines 40-49). Therefore it would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Nevo in combination with Power to

include de-MECing provisions as is commonly known in financial arts.

### *Conclusion*

4.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629.

The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on 571-272-6747.  The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished

applications is available through Private PAIR only.  For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OA

**HANI M. KAZIMI
PRIMARY EXAMINER**